

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICARDO BARCENAS, <i>on behalf of himself,</i>	:	
<i>FLSA Collective Plaintiffs and the Class,</i>	:	
Plaintiffs,	:	20 Civ. 1924 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
ERMINIA RESTAURANT CORP., et al.,	:	
	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on December 9, 2020, the Court issued an Order conditionally certifying a Fair Labor Standards Act (“FLSA”) collective, pursuant to 29 U.S.C. § 216(b). Dkt. No. 40.

WHEREAS, two opt-in plaintiffs, Ismael Nikiema and Alvino Mancilla (the “Opt-in Plaintiffs”), filed consents to join this lawsuit. Dkt. Nos. 49 and 52.

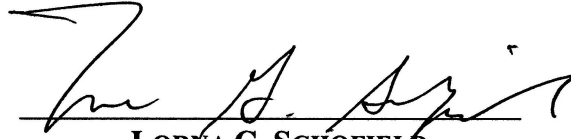
WHEREAS, on March 23, 2021, Plaintiff and Defendants jointly filed a letter informing the Court that “the parties engaged in a class mediation on March 16, 2021, and have reached a class settlement in principle.” The letter requests dismissal without prejudice “so that the parties may seek judicial approval of a class settlement releasing all claims in New York Supreme Court,” on the ground that the class claims are New York City and State law claims, not FLSA claims. Dkt. No. 56.

WHEREAS, on March 24, 2021, Plaintiff and Defendants filed a proposed Stipulation of Dismissal Without Prejudice (the “Proposed Stipulation”). The Proposed Stipulation is signed by Defendants and Plaintiff, but not the Opt-In Plaintiffs. It is hereby

ORDERED that, by **April 1, 2021**, the Opt-In Plaintiffs, Mr. Nikiema and Mr. Mancilla, shall file any objections to dismissal. It is further

ORDERED that, by **April 1, 2021**, the parties shall jointly file a letter clarifying the degree to which the Opt-In Plaintiffs were involved in the class mediation. It is further

Dated: March 25, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE